

**Remarks/Arguments**

Upon entry of the accompanying amendments, claims 1-14 will be pending in this application. Claims 1-10 are rejected in the Office Action dated April 17, 2008. Claims 1 and 4-7 are amended herein to more particularly point out and distinctly claim the subject matter Applicants regard as the invention. Claims 11-14 are newly added herein. NOTE: Applicants assume that the ground of rejection listed in the first paragraph of item 4 of the current Office Action (which is the same ground of rejection as the previous Office Action) is an error in view of the comments under item 2 of the Office Action indicating that a new ground(s) of rejection has been made, and the substantive comments provided in the second and subsequent paragraphs of item 4, which explain the new ground of rejection. As such, Applicants will provide a response to this new ground of rejection herein.

**Re: Rejection of Claims 1-4, 6 and 8-9**

Claims 1-4, 6 and 8-9 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2005/0138660 by Boyer et al. (hereinafter, "Boyer") in view of U.S. Patent Publication No. 2005/0251824 by Thomas et al. (hereinafter, "Thomas"). Applicants respectfully traverse this rejection for at least the following reasons.

Independent claim 1, as amended herein, recites:

"A method for operating a video processing apparatus, said video operating apparatus being capable of operating in a video operating mode, and in a computer program operating mode, said video processing apparatus having an electronic program guide operable in said video operating mode and not in said computer program operating mode, said method comprising the steps of:

operating said video processing apparatus in said computer program operating mode by running a computer application software program on said video processing apparatus, said computer application software program capable of receiving electronic messages, said computer application software program providing a display;

causing an advertisement associated with a broadcast television program specified by a service provider to be displayed in an area of said display while said computer application software program is running;

receiving a signal indicating user selection of said advertisement while said computer application software program is running; and providing a user selection display in response to said user selection of said advertisement, said user selection display being provided while said computer application software program is running and comprising a listing of a plurality of user selectable options associated with said broadcast television program, wherein at least one of said plurality of user selectable options, which when selected, causes said video processing apparatus to switch from said computer program operating mode to said video operating mode." (emphasis added)

As indicated above, amended independent claim 1 defines a method for operating a video processing apparatus having a video operating mode and a computer program operating mode. The video processing apparatus has an electronic program guide that is operable in the video operating mode, but not in the computer program operating mode. In the computer program operating mode, the video processing apparatus runs a computer application software program. While the computer application software program is running (i.e., during the computer program operating mode), an advertisement associated with a broadcast television program specified by a service provider is displayed. A user selects the advertisement while the computer application software program is running. In response to the user selection, a user selection display having a plurality of user selectable options associated with the broadcast television program is provided while the computer application software program is running. At least one of these user selectable options, when selected, causes the video processing apparatus to switch from the computer program operating mode to the video operating mode. Independent claim 6 is amended herein to define subject matter similar to the subject matter defined by independent claim 1.

Neither Boyer nor Thomas, whether taken individually or in combination, teaches or suggests the subject matter of independent claims 1 and 6. On page 4 of the Office Action dated April 17, 2008, the Examiner ostensibly admits that Boyer fails to disclose, *inter alia*, "providing a user selection display in response to the user selection of the advertisement, such that the user selection display comprises a listing of a plurality of user selectable options associated with the instant broadcast TV program". In an effort

to remedy these admitted deficiencies of Boyer, the Examiner relies on Thomas, and specifically cites paragraph [0043] and FIG. 2 thereof.

In response, Applicants submit that Thomas is unable to remedy the admitted deficiencies of Boyer. In particular, Applicants first note that the claimed invention makes a clear distinction between a “video operating mode” in which an electronic program guide is operable, and a “computer program operating mode” in which the electronic program guide is not operable and a computer application software program is running. Of the two cited references, Boyer is the only one that discloses these two different operating modes. That is, Thomas discloses an interactive television program guide system that includes a “video operating mode”, but does not disclose a “computer program operating mode” in which the electronic program guide is not operable and a computer application software program is running. Because Thomas fails to disclose the claimed “computer program operating mode”, Thomas also inherently fails to teach or suggest, *inter alia*, the claimed features of “providing a user selection display in response to said user selection of said advertisement, said user selection display being provided while said computer application software program is running” and “wherein at least one of said plurality of user selectable options, which when selected, causes said video processing apparatus to switch from said computer program operating mode to said video operating mode” (emphasis added), as recited for example in claim 1. As such, Thomas is unable to remedy the admitted deficiencies of Boyer. Accordingly, neither Boyer nor Thomas, whether taken individually or in combination, teaches or suggests all elements of the claimed invention, and withdrawal of the rejection is respectfully requested.

#### **Re: Rejection of Claims 5, 7 and 10**

Claims 5, 7 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Boyer in view of Thomas, and further in view of U.S. Patent No. 7,212,249 issued to Casement et al. (hereinafter, “Casement”). Applicants respectfully traverse this rejection since Casement is unable to remedy the deficiencies of Boyer and Thomas discussed above in conjunction with claims 1 and 6. For example, Applicants note that Casement (like Thomas) also fails to disclose the claimed “computer program operating

mode” in which the electronic program guide is not operable and a computer application software program is running. As such, Casement also inherently fails to teach or suggest, *inter alia*, the claimed features of “providing a user selection display in response to said user selection of said advertisement, said user selection display being provided while said computer application software program is running” and “wherein at least one of said plurality of user selectable options, which when selected, causes said video processing apparatus to switch from said computer program operating mode to said video operating mode” (emphasis added), as recited for example in claim 1. Accordingly, claims 5, 7 and 10 are deemed allowable over the proposed combination of Boyer, Thomas and Casement and withdrawal of the rejection is respectfully requested.

#### **Re: Newly Added Claims 11-14**

Claims 11-14 are newly added herein to alternatively define the present invention, and are deemed allowable for at least the same reasons discussed above in conjunction with independent claim 1 and 6.

#### **Conclusion**

Having fully addressed the Examiner’s rejections it is believed that, in view of the preceding amendments and remarks/arguments, this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant’s attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled. No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

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Respectfully submitted,  
Hugh B. Morrison, et al.

By: /Reitseng Lin/  
Reitseng Lin  
Reg. No. 42,804  
Phone (609) 734-6813

Patent Operations L C  
Thomson Licensing L C  
P.O. Box 5312  
Princeton, New Jersey 08540  
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